

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JACQUELYN S. MCKINNEY,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00998

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

JUDGMENT ORDER


Plaintiff Jacquelyn S. McKinney brings this action under 42 U.S.C. §§ 401-433, seeking review of the Defendant Commissioner of Social Security's final decision denying Plaintiff's application for disability insurance benefits under Title II of the Social Security Act. By Standing Order entered on August 1, 2006, and filed in this case on November 27, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort filed his PF&R on February 25, 2008 [Docket 13]. In that filing, the magistrate judge recommended that this Court deny Plaintiff's Motion for Judgment on the Pleadings [Docket 9], grant the Commissioner's Motion for Judgment on the Pleadings [Docket 12], and dismiss this action from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure

to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by March 13, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Having reviewed the PF&R filed by Magistrate Judge VanDervort, the Court **ADOPTS** the recommendations contained therein. Accordingly, the Court **DENIES** Plaintiff's Motion for Judgment on the Pleadings [Docket 9], **GRANTS** the Commissioner's Motion for Judgment on the Pleadings [Docket 12], and **DISMISSES** this action from the Court's docket. The Court **DIRECTS** the Clerk to send a certified copy of this Judgment Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: March 19, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE